

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT E. STEWART, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
STATE OF NEVADA et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

2:16-cv-02019-JCM-GWF

**ORDER**

**I. DISCUSSION**

On June 7, 2017, the Court entered a screening order permitting the equal protection claim to proceed against Defendants West and Montoya. (ECF No. 5 at 5). The Court stayed the case for ninety (90) days to give the parties an opportunity to settle their dispute. (*Id.*). The Court directed the Attorney General’s Office to advise the Court whether it would enter a limited notice of appearance on behalf of defendants for the purpose of settlement. (*Id.* at 6).

On June 23, 2017, the Attorney General’s Office stated that it was unable to enter a limited notice of appearance. (ECF No. 7 at 1). The Attorney General’s Office stated that, “[a]fter an internal investigation, Defendants ‘West’ and ‘Montoya’ cannot be identified. It is uncertain whom Plaintiff is referring to and they cannot be determined to be employees of the Nevada Department of Corrections.” (*Id.* at 1).

The Court finds that the Attorney General’s Office’s notice is too vague. It is unclear to the Court what the Attorney General’s Office found during their internal investigation. The Court now directs the Attorney General’s Office to file a list of names of the employees who worked at Ely State Prison (“ESP”) during September 2014 and October 2014 with some version of the name “West” or “Montoya” and their occupations at the time. Upon receiving

1 the list, the Court will issue a separate order permitting Plaintiff to conduct limited pre-service  
2 discovery in an effort to ascertain the true identify of Defendants West and Montoya.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall  
5 electronically **SERVE** a copy of this order on the Office of the Attorney General of the State  
6 of Nevada, attention Traci Plotnick.

7 IT IS FURTHER ORDERED that the Attorney General's Office shall enter a limited  
8 notice of appearance within seven (7) days on behalf of defendants for the limited purpose of  
9 responding to the Court's order and for the purpose of conducting limited pre-service discovery  
10 in an effort to ascertain the true identities of Defendants West and Montoya.

11 IT IS FURTHER ORDERED that the Attorney General's Office shall file, within seven  
12 (7) days from the date of this order, a list of names of the employees who worked at Ely State  
13 Prison ("ESP") during September 2014 and October 2014 with some version of the name  
14 "West" or "Montoya" and their occupations at the time.

15  
16 DATED: This 27th day of June, 2017.

17  
18   
19 United States Magistrate Judge  
20  
21  
22  
23  
24  
25  
26  
27  
28